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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,785	12/29/2000	Ravi Subramanian	9824-036-999	8773
38881	7590	09/23/2004	EXAMINER	
DARBY & DARBY P.C.			HA, DAC V	
P.O. BOX 5257				
NEW YORK, NY 10150-5257			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,785

Applicant(s)

SUBRAMANIAN, RAVI

Examiner

Dac V. Ha

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on 06/15/04.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 15, 19, 20, 23, 26-29, 32, 35, 36** are rejected under 35 U.S.C. 102(b) as being anticipated by Durrant et al. (US 5,659,574) (hereinafter Durrant).

Regarding claim 15, Durrant teaches the claimed subject matter as follows.

“at least one multiplier ... code chip” (Figure 14, elements 1029, 1030; Figure 15A, elements 1121, 1123, 1125; Figure 15B, elements 1171, 1172; Col. 22, lines 5-33);

“at least one accumulate ... multiplier; wherein ... been satisfied” (Figure 15B; elements 1175-1178; Col. 22, lines 35-38; Col. 24, lines 57-58; Col. 8, lines 65-67).

Regarding claim 19, Durrant further teaches the claimed subject matter “an additional ... satisfied” in Figure 15B, elements 1175-1178.

Regarding claim 20, Durrant further suggests the teaching of the claimed subject matter “an interface ... statistic” in Figure 15B, element 1182.

Regarding claim 32, Durrant teaches the claimed subject matter as follows.

“a radio ... transceiver” (Figure 2; Col. 28, lines 31-58);

“an analog ... transceiver” (Figure 15B, element 1164, 1169);

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"a despreader ... satisfied" (Figure 15B, element 1167).

Regarding claim 23, see claim 32 above.

Regarding claim 26, Durrant further teaches the claimed subject matter "wherein ... protocol" in Col. 1, lines 31-41.

Regarding claim 27, see claim 15 above.

Regarding claim 28, see claim 19 above.

Regarding claim 29, see claim 20 above.

Regarding claim 35, see claim 28 above.

Regarding claim 36, see claim 20 above.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 39, 54** are rejected under 35 U.S.C. 102(e) as being anticipated by Zhou et al. (US 6,370,130) (hereafter Zhou).

Regarding claim 1, Zhou teaches the claimed subject matter as follows.

"a plurality of data lines ... data types" (Figure 1, elements 11, 12);

"at least one selective coupler ... data lines" Figure 1, element 13k);

"a first multiplier ... despreading code chip" (Figure 1, element 14k; Figure 20; Col. 5, lines 51-53);

"wherein ... protocols" (Figure 1, element 13k; Col. 5, lines 39-43; Col. 1, lines 57-60).

Regarding claim 54, the claimed subject matter "wherein the ... spreading factors" is inherent. That is, the symbol period is proportional to the spreading factors.

Regarding claim 39, see claim 1 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 16-18, 21, 22, 30, 33, 34, 37, 38, 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Durrant.

Regarding claim 16, the claimed subject matter "wherein ... period" would have been design optional to one skilled in the art.

Regarding claim 17, the claimed subject matter "wherein ... period" would have been obvious to one skilled in the art.

Regarding claim 18, the claimed subject matter "wherein ... period" would have been design optional to one skilled in the art.

Regarding claim 21, the claimed subject matter "a memory ... length" would have been design optional to one skilled in the art.

Regarding claim 22, the claimed subject matter "wherein ... despread" would have been design optional to one skilled in the art.

Regarding claim 30, the claimed subject matter "wherein ... dump circuit" would have been optional to one skilled in the art.

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Regarding claim 33, see claim 16 above.

Regarding claim 34, see claim 18 above.

Regarding claim 37, see claim 30 above.

Regarding claim 38, see claim 22 above.

Regarding claim 47, see claim 15 above. Further, even though Durrant doesn't explicitly teach the process of obtaining an output from the integrate and dump circuit is repeated, this process is conventional for obtaining the correlation result and would have been understood by one skilled in the art. That is, the multiplication results of the received signal and the locally generated replica PN code are accumulated and dump at the end of each symbol period. The process could have been realized by one skilled in the art using either matched filter or correlator.

7. **Claims 8, 55, 56** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou.

Regarding claim 8, the claimed subject matter "a memory ... data sample" would have been optional to one skilled in the art.

Regarding claim 55, Zhou suggests the teaching of "wherein ... modulation schemes" in Col. 8, lines 50-51.

Regarding claim 56, the claimed subject matter "wherein ... schemes" would have been optional to one skilled in the art.

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8. **Claims 2-6, 40-46, 51-53** rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou in view of Agrawal et al. (US 6,363,108).

Regarding claim 2, Zhou further teaches:

“an in-phase ... quadrature data sample” (Figure 1, elements 11, 12; Col. 5, lines 25-37);

Zhou further suggests the teaching of “a quadrature-phase code ... to the first multiplier” as follows. Zhou teaches that the in-phase and quadrature-phase input are selectively inputted to the matched filter via selector 13K. The function of the matched filter or a correlator is widely known in the art for providing correlation result between the received signal and the local generated replica code (i.e. PN code). Zhou doesn't teach the matched filter in detail, however, a person of ordinary skill in the art would have understood that the matched filter would have been able to accept both in-phase and quadrature-phase input and their correspondent local generated replica. An example showing such operation shown in Figure 5 of Agrawal et al. (US 6,363,108).

Regarding claim 3, Zhou further teaches the claimed subject matter “a first accumulate ... satisfied” in Figure 1, element 14K. Even though Zhou doesn't explicitly teach the process for obtaining an output from the integrate and dump circuit, this process is conventional for obtaining the correlation result and would have been understood by one skilled in the art. That is, the multiplication results of the received signal and the locally generated replica PN code are accumulated and dump at the end of each symbol period. The process could have been realized by one skilled in the art using either matched filter or correlator.

Regarding claim 4, the claimed subject matter "a second ... protocols" would have been obvious to one skilled in the art base on the teaching of Zhou.

Regarding claim 5, see claim 2 above.

Regarding claim 6, see claim 3 above.

Regarding claim 40, see claim 2 above.

Regarding claim 41, see claim 3 above.

Regarding claims 51-53, see claims 54-56.

Regarding claims 42-46, see Figure 5 of Agrawal.

9. **Claims 24, 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Durrant in view of Zhou.

Regarding claim 24, Durrant teaches all the claimed subject matter in claim 24, as applied to claim 23 above, except for the claimed subject matter "wherein ... operation". However, Zhou teaches such claimed subject matter is known in the art in Figure 1, element 13k; Col. 5, lines 39-47.

Regarding claim 25, see claim 8.

10. **Claims 48-50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Durran in view of Zhou et al. and Agrawal et al.

Regarding claims 48-50, see claims 42-46 above

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11. **Claims 7, 9-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou in view of Agrawal et al. as applied to claim 6 above, and further in view of Durrant.

Regarding claim 7, see claim 20 above.

Regarding claim 9, see claim 30 above.

Regarding claims 10-14, see Figure 15B of Durrant.

Response to Arguments

12. Applicant's arguments filed 06/15/04 have been fully considered but they are not persuasive.

In the REMARKS, pages 13-14, applicants have argued "Durrant does not teach or suggest dispredding ... which is not variable". Durrant implicitly teaches the symbol period includes different symbol length, thus varied (col. 8, lines 65-67).

Page 15 of the REMARKS, applicants have argued "Zhou does not teach ... single dispredding protocol." However, Zhou implies such teaching in col. 1, lines 57-60.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 571-273-3040. The examiner can normally be reached on 5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Dac V. Ha', with a horizontal line drawn underneath the signature.

Dac V. Ha
Examiner
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